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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,179	02/01/2001	Toshihiko Hamamatsu	450100-02984	7284

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NEW YORK, NY 10151

EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/775,179	<b>Applicant(s)</b> HAMAMATSU ET AL.	
	<b>Examiner</b> Andy S. Rao	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 25 and 39-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 25, 39-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 8/6/04 and 10/6/04 have been entered.
2. As per the instructions filed on 8/06/04, claims 14-24 and 26-38 have been canceled.
3. Applicant's arguments with respect to claims 1-13, 25, and 39-54 as filed in 8/6/04 have been considered but are moot in view of the new ground(s) of rejection based on newly cited portions of the previously applied reference addressing the newly added limitations.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-13, 25, and 39-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheung et al., (hereinafter referred to as "Cheung").

Cheung discloses an image processing apparatus (Cheung: column 3, lines 58-67; column 4, lines 1-5) for detecting a noise exhibiting area in an image data generated by decoding encoded data encoded by a frequency transform method and a lossy compression method (Cheung: column 4, lines 35-45), the image processing apparatus comprising: motion detection means for detecting a motion vector for each pixel of the said image data (Cheung: column 8, lines 20-25); area motion detection means for detecting more than one motion in the area having at least one pixel in said image data, based on the motion vector for each pixel detected by said motion detection means (Cheung: column 5, lines 50-67); deviation means for detecting the deviation of the at least one motion area having at least one pixel (Cheung: column 4, lines 25-35; column 6, lines 25-35); and noise detection for detecting the noise exhibiting area based on a predetermined threshold (Cheung: column 5, lines 60-67) and the detected deviation (Cheung: column 7, lines 8-62), as in claim 1.

Regarding claim 2, Cheung discloses that the deviation detecting means detects the deviation in accordance with the norm of image motion (Cheung: column 9, lines 5-30), as in the claim.

Regarding claim 3, Cheung discloses that the deviation detecting means detects the deviation in accordance with the deviation of direction of image motion (Cheung: column 6, lines 30-67), as in the claim.

Regarding claim 4, Cheung discloses detecting a motion vector as motion (Cheung: column 6, lines 1-5), as in the claim.

Regarding claims 5-6, Cheung discloses converting the motion vector to a one-dimensional value (Cheung: column 6, lines 1-12), as in the claims.

Regarding claim 7, Cheung discloses noise reduction means for reducing the amount of noise detected by said noise reduction means (Cheung: column 5, lines 30-40), as in the claims.

Regarding claim 8, Cheung discloses that the deviation detecting means further detects the deviation in accordance with the deviation of the norm of image motion (Cheung: column 9, lines 5-30), as in the claim.

Regarding claim 9, Cheung discloses that the deviation detecting means detects the deviation in accordance with the deviation of image motion (Cheung: column 6, lines 30-67), as in the claim.

Regarding claim 10, Cheung discloses detecting a motion vector as motion (Cheung: column 6, lines 1-5), as in the claim.

Regarding claim 11-12, Cheung discloses converting the motion vector to a one-dimensional value (Cheung: column 6, lines 1-12), as in the claims.

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Cheung discloses an image processing method (Cheung: column 3, lines 58-67; column 4, lines 1-5; figure 2) for detecting a noise exhibiting area in an image data generated by decoding encoded data encoded by a frequency transform method and a lossy compression method (Cheung: column 4, lines 35-45), the image processing method comprising the steps of: detecting a motion vector for each pixel of the said image data (Cheung: column 8, lines 20-25); detecting more than one motion in the area having at least more than one pixel in said image data (Cheung: column 5, lines 50-67); detecting the deviation of the at least one motion area having at least one pixel, based on the detected motion vector for each pixel (Cheung: column 4, lines 25-35; column 6, lines 25-35); detecting the noise exhibiting area based on a predetermined threshold (Cheung: column 5, lines 60-67) and the detected deviation (Cheung: column 7, lines 8-62), as in claim 13.

Cheung discloses a storage medium for storing a computer controllable program (Cheung: column 3, lines 58-67) for detecting a noise exhibiting area in an image data generated by decoding encoded data encoded by a frequency transform method and a lossy compression method (Cheung: column 4, lines 35-45), the image processing method comprising the steps of: detecting a motion vector for each pixel of the said image data (Cheung: column 8, lines 20-25); detecting more than one motion in the area having at least one pixel in said image data (Cheung: column 5, lines 50-67); detecting the deviation of the at least one motion area having at least one pixel, based on the detected motion vector for each pixel (Cheung: column 4, lines 25-35; column 6, lines 25-35); detecting the noise exhibiting area based on a predetermined threshold (Cheung: column 5, lines 60-67) and the detected deviation (Cheung: column 7, lines 8-62), as in claim 25.

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Regarding claims 39, 42, 46, and 49, Cheung discloses that the noise exhibiting area is a block having a plurality of pixels (Cheung: column 10, lines 20-30), as in the claims.

Regarding claims 40, 43, 47, and 50, Cheung discloses that the noise exhibiting area is unit of blocks, each of which has a plurality of pixels (Cheung: column 6, lines 9-20), as in the claims.

Regarding claims 41 and 48, Cheung discloses that the noise exhibiting area is a pixel in the area (Cheung: column 5, lines 60-67), as in the claims.

Regarding claims 44-45 and 51-54, Cheung discloses that the noise detection means detects that the respective pixel is exhibiting noise when the detected deviation is greater than or equal to said predetermined threshold (Cheung: column 9, lines 30-55), as in the claims.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao  
Primary Examiner  
Art Unit 2613

asr  
January 3, 2005

ANDY RAO  
PRIMARY EXAMINER

